

BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

KATHIE JUNE CURTIS
1411 Del Norte Drive
Corona, Ca 92879

Registered Nurse License No. 464790

Respondent

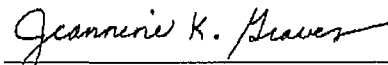
Case No. 2011-737

DECISION AND ORDER

The attached Stipulated Surrender of License and Order is hereby adopted by the Board of Registered Nursing, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on **August 11, 2011.**

- IT IS SO ORDERED **August 11, 2011.**



President
Board of Registered Nursing
Department of Consumer Affairs
State of California

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Attorney General of California
2 JAMES M. LEDAKIS
Supervising Deputy Attorney General
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9 **BEFORE THE**
BOARD OF REGISTERED NURSING
10 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

11 In the Matter of the Accusation Against:

Case No. 2011-737

12 **KATHIE JUNE CURTIS**
13 **1411 Del Norte Drive**
14 **Corona, CA 92879**

**STIPULATED SURRENDER OF
LICENSE AND ORDER**

15 **Registered Nurse License No. 464790**

16 Respondent.

17
18 IT IS HEREBY STIPULATED AND AGREED by and between the parties in this
19 proceeding that the following matters are true:

20 **PARTIES**

21 1. Louise R. Bailey, M.Ed., RN (Complainant) is the Executive Officer of the Board of
22 Registered Nursing. She brought this action solely in her official capacity and is represented in
23 this matter by Kamala D. Harris, Attorney General of the State of California, by Erin M. Sunseri,
24 Deputy Attorney General.

25 2. Kathie June Curtis (Respondent) is representing herself in this proceeding and has
26 chosen not to exercise her right to be represented by counsel.

27 3. On or about March 31, 1991, the Board of Registered Nursing issued Registered
28 Nurse License No. 464790 to Kathie June Curtis (Respondent). The Registered Nurse License

1. was in full force and effect at all times relevant to the charges brought in Accusation No. 2011-
2. 737 and will expire on January 31, 2013, unless renewed.

3. **JURISDICTION**

4. 4. Accusation No. 2011-737 was filed before the Board of Registered Nursing (Board),
5. Department of Consumer Affairs, and is currently pending against Respondent. The Accusation
6. and all other statutorily required documents were properly served on Respondent on February 28,
7. 2011. Respondent timely filed her Notice of Defense contesting the Accusation. A copy of
8. Accusation No. 2011-737 is attached as Exhibit "A" and incorporated by reference.

9. **ADVISEMENT AND WAIVERS**

10. 5. Respondent has carefully read, and understands the charges and allegations in
11. Accusation No. 2011-737. Respondent also has carefully read, and understands the effects of this
12. Stipulated Surrender of License and Order.

13. 6. Respondent is fully aware of her legal rights in this matter, including the right to a
14. hearing on the charges and allegations in the Accusation; the right to be represented by counsel, at
15. her own expense; the right to confront and cross-examine the witnesses against her, the right to
16. present evidence and to testify on her own behalf; the right to the issuance of subpoenas to
17. compel the attendance of witnesses and the production of documents; the right to reconsideration
18. and court review of an adverse decision; and all other rights accorded by the California
19. Administrative Procedure Act and other applicable laws.

20. 7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and
21. every right set forth above.

22. **CULPABILITY**

23. 8. Respondent admits the truth of each and every charge and allegation in Accusation
24. No. 2011-737, agrees that cause exists for discipline and hereby surrenders her Registered Nurse
25. License No. 464790 for the Board's formal acceptance.

26. 9. Respondent understands that by signing this stipulation she enables the Board to issue
27. an order accepting the surrender of her Registered Nurse License without further process.

28. ///

CONTINGENCY

10. This stipulation shall be subject to approval by the Board of Registered Nursing. Respondent understands and agrees that counsel for Complainant and the staff of the Board of Registered Nursing may communicate directly with the Board regarding this stipulation and surrender, without notice to or participation by Respondent. By signing the stipulation, Respondent understands and agrees that she may not withdraw her agreement or seek to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, the Stipulated Surrender and Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not be disqualified from further action by having considered this matter.

11. The parties understand and agree that facsimile copies of this Stipulated Surrender of License and Order, including facsimile signatures thereto, shall have the same force and effect as the originals.

12. This Stipulated Surrender of License and Order is intended by the parties to be an integrated writing representing the complete, final, and exclusive embodiment of their agreement. It supersedes any and all prior or contemporaneous agreements, understandings, discussions, negotiations, and commitments (written or oral). This Stipulated Surrender of License and Order may not be altered, amended, modified, supplemented, or otherwise changed except by a writing executed by an authorized representative of each of the parties.

13. In consideration of the foregoing admissions and stipulations, the parties agree that the Board may, without further notice or formal proceeding, issue and enter the following Order:

ORDER

IT IS HEREBY ORDERED that Registered Nurse License No. 464790, issued to Respondent Kathie June Curtis, is surrendered and accepted by the Board of Registered Nursing.

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1 14. The surrender of Respondent's Registered Nurse License and the acceptance of the
2 surrendered license by the Board shall constitute the imposition of discipline against Respondent.
3 This stipulation constitutes a record of the discipline and shall become a part of Respondent's
4 license history with the Board.

5 15. Respondent shall lose all rights and privileges as a Registered Nurse in California as
6 of the effective date of the Board's Decision and Order.

7 16. Respondent shall cause to be delivered to the Board her pocket license and, if one was
8 issued, her wall certificate on or before the effective date of the Decision and Order.

9 17. If Respondent ever files an application for licensure or a petition for reinstatement in
10 the State of California, the Board shall treat it as a petition for reinstatement. Respondent must
11 comply with all the laws, regulations and procedures for reinstatement of a revoked license in
12 effect at the time the petition is filed, and all of the charges and allegations contained in
13 Accusation No. 2011-737 shall be deemed to be true, correct and admitted by Respondent when
14 the Board determines whether to grant or deny the petition.

15 18. If and when Respondent's license is reinstated, she shall pay to the Board costs
16 associated with its investigation and enforcement pursuant to Business and Professions Code
17 section 125.3 in the reduced amount of \$5,000.00. Respondent shall be permitted to pay these
18 costs in a payment plan approved by the Board. Nothing in this provision shall be construed to
19 prohibit the Board from reducing the amount of cost recovery upon reinstatement of the license.

20 19. If Respondent should ever apply or reapply for a new license or certification, or
21 petition for reinstatement of a license, by any other health care licensing agency in the State of
22 California, all of the charges and allegations contained in Accusation, No. 2011-737 shall be
23 deemed to be true, correct, and admitted by Respondent for the purpose of any Statement of
24 Issues or any other proceeding seeking to deny or restrict licensure.

25 20. Respondent shall not apply for licensure or petition for reinstatement for two (2)
26 years from the effective date of the Board of Registered Nursing's Decision and Order.

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ACCEPTANCE

I have carefully read the Stipulated Surrender of License and Order. I understand the stipulation and the effect it will have on my Registered Nurse License. I enter into this Stipulated Surrender of License and Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board of Registered Nursing.

DATED: 5/31/2011

Kathie June Curtis
KATHIE JUNE CURTIS
Respondent

ENDORSEMENT

The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted for consideration by the Board of Registered Nursing of the Department of Consumer Affairs.

Dated: 6/2/11

Respectfully submitted,

KAMALA D. HARRIS
Attorney General of California
JAMES M. LEDAKIS
Supervising Deputy Attorney General

Erin M. Sunseri
ERIN M. SUNSERI
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Accusation No. 2011-737

1 EDMUND G. BROWN JR.
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2 JAMES M. LEDAKIS
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9 **BEFORE THE**
BOARD OF REGISTERED NURSING
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11 In the Matter of the Accusation Against:

Case No. **2011-737**

12 **KATHIE JUNE CURTIS**
13 **1411 Del Norte Drive**
14 **Corona, CA 92879**

ACCUSATION

15 **Registered Nurse License No. 464790**

16 Respondent.

17
18 Complainant alleges:

19 **PARTIES**

20 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her
21 official capacity as the Executive Officer of the Board of Registered Nursing, Department of
22 Consumer Affairs.

23 2. On or about March 31, 1991, the Board of Registered Nursing issued Registered
24 Nurse License Number 464790 to Kathie June Curtis (Respondent). The Registered Nurse
25 License was in full force and effect at all times relevant to the charges brought herein and will
26 expire on January 31, 2013, unless renewed.

27 ///

28 ///

1 (b) Use any controlled substance as defined in Division 10 (commencing with Section
2 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as defined in
3 Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or injurious to
4 himself or herself, any other person, or the public or to the extent that such use impairs his or her
5 ability to conduct with safety to the public the practice authorized by his or her license.

6

7 (e) Falsify, or make grossly incorrect, grossly inconsistent, or unintelligible entries in any
8 hospital, patient, or other record pertaining to the substances described in subdivision (a) of this
9 section.

10 REGULATORY PROVISIONS

11 8. California Code of Regulations, title 16, section 1442, states:

12 "As used in Section 2761 of the code, 'gross negligence' includes an extreme departure from
13 the standard of care which, under similar circumstances, would have ordinarily been exercised by
14 a competent registered nurse. Such an extreme departure means the repeated failure to provide
15 nursing care as required or failure to provide care or to exercise ordinary precaution in a single
16 situation which the nurse knew, or should have known, could have jeopardized the client's health
17 or life."

18 9. California Code of Regulations, title 16, section 1443, states:

19 "As used in Section 2761 of the code, 'incompetence' means the lack of possession of or the
20 failure to exercise that degree of learning, skill, care and experience ordinarily possessed and
21 exercised by a competent registered nurse as described in Section 1443.5."

22 10. California Code of Regulations, title 16, section 1445, states in pertinent part:

23 (b) When considering the suspension or revocation of a license on the grounds that a
24 registered nurse has been convicted of a crime, the board, in evaluating the rehabilitation of such
25 person and his/her eligibility for a license will consider the following criteria:

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- (1) The nature and severity of the act(s) or offense(s);
- (2) Total criminal record;
- (3) The time that has elapsed since commission of the act(s) or offense(s);
- (4) Whether the licensee has complied with any terms of parole, probation, restitution or any other sanctions lawfully imposed against the licensee;
- (5) If applicable, evidence of expungement proceedings pursuant to Section 1203.4 of the Penal Code;
- (6) Evidence, if any, of rehabilitation submitted by the licensee.

COST RECOVERY

11. Section 125.3 of the Code provides, in pertinent part, that the Board may request the administrative law judge to direct a licensee found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

DRUGS

12. Dilaudid is a Schedule II controlled substance pursuant to Health and Safety Code section 11055(b)(1)(J) and a dangerous drug pursuant to Business and Professions Code section 4022. Dilaudid is a trade name for the narcotic substance hydromorphone.

13. Percocet is a Schedule II controlled substance pursuant to Health and Safety Code section 11055(b)(1)(M) and a dangerous drug pursuant to Business and Professions Code section 4022. Percocet is a trade name for the narcotic substance oxycodone with the non-narcotic substance acetaminophen.

14. Phentermine is a Schedule IV controlled substance pursuant to Health and Safety Code section 11057(f)(4) and a dangerous drug pursuant to Business and Professions Code section 4022. Phentermine is a stimulant.

15. Norco is a Schedule II controlled substance pursuant to Health and Safety Code section 11055(b)(1)(I) and a dangerous drug pursuant to Business and Professions Code section 4022. Norco is a trade name for the narcotic substance hydrocodone with the non-narcotic substance acetaminophen.

1 16. Pyxis is a trade name for an automated single-unit-dose medication dispensing system
2 which records information such as patient name, physician orders, date and time medication was
3 withdrawn, and the name of the licensed individual who withdrew and administered the
4 medication.

5 **FACTS**

6 17. On or about September 28, 2008, Respondent was working as a registered nurse at
7 Parkview Community Hospital, assigned to the Pediatric Unit.

8 18. Respondent was observed to be sleepy while working and when confronted, attributed
9 it to being tired. Later that day, the mother of a pediatric patient (accompanied by other family
10 members and friends of the patient) reported that Respondent was falling asleep while attempting
11 to insert an IV and was observed to have slurred speech. A witness stated that Respondent had
12 cared for this patient for over a 21-day period, and that Respondent's behavior was different on
13 this particular date.

14 19. On this same date, another patient's mother complained about Respondent.
15 According to the complaint, Respondent needed to be asked several times to change the dressing
16 on a wound. Respondent would leave to get the dressing, and would never return with the items.
17 Respondent also insisted that a family member stay and help her bathe the patient. Ultimately,
18 the patient's mother gave the bath. According to the complaint, Respondent failed to empty the
19 patient's urinal all day, and the mother of the patient handled this task as well.

20 20. Also on this same date, the Clinical Manager (TH) reported that she observed
21 Respondent and another RN arguing about a Morphine/Dilaudid count discrepancy at the PYXIS.
22 This RN stated that Respondent became confused and forgetful as the day progressed. She
23 further stated that Respondent was confused regarding medication dosages for her patients. There
24 was a discrepancy found in the Dilaudid administered to one of Respondent's two patients who
25 were receiving the medication. The RN notified her manager of her concerns regarding
26 Respondent.

27 21. The House Supervisor (CW) came to the PYXIS and corrected the discrepancy.

28 ///

22. Respondent submitted to a urine drug screen based on reasonable cause to believe she might be under the influence of intoxicants as a result of reports that she was acting strangely at work, exhibiting slurred speech and appearing sleepy. Respondent made several comments that did not go with each other. Respondent was drug tested onsite, and reported positive for amphetamines and opiates.

23. When questioned about the medication error, Respondent stated that she was assigned two patients who were both prescribed Dilaudid. Respondent stated that she removed the Dilaudid under one patient's name, when it should have been removed under the other patient's name. Respondent stated that she removed the Dilaudid under one patient's name, when it should have been removed under the other patient's name. Respondent stated that if the Dilaudid removals were checked against both patients' records, there would be no Dilaudid that was unaccounted for in the charts. Respondent stated that she was just very tired from working a lot of days.

24. Respondent's charting for these patients on this same date is erratic and illegible.

25. When questioned about the positive urine test results, Respondent stated that she had been taking prescription pain medication for her back, and Phentermine, off and on, to manage her weight. Respondent's medical history evidences a long-standing dependent on opiates.

26. On the date of her interview with the Division of Investigation, April 5, 2010, Respondent told the investigator that she had taken her prescribed twelve (12) Percocet pills the day prior to the interview. Respondent provided a urine sample to the investigator, the results of which were negative for any medication. Respondent had no explanation for the negative test results.

FIRST CAUSE FOR DISCIPLINE

(Gross Negligence)

27. Respondent is subject to disciplinary action under Code section 2761(a)(1), on the grounds of gross negligence, within the meaning of CCR section 1442, in carrying out licensed nursing functions. The circumstances are as follows:

1 28. On or about September 28, 2008, Respondent falsified, made grossly incorrect,
2 grossly inconsistent, or unintelligible entries in patients' medical records as described in
3 paragraphs 20-24, above.

4 29. On this same date, Respondent entered erratic and illegible handwriting in the
5 medical charts referenced above.

6 30. On this same date, Respondent was inconsistent and confused in her withdrawal of
7 medication involving two different patients receiving the same medication.

8 31. Respondent knew or should have known that creating false, incorrect or inconsistent
9 records pertaining to the withdrawal and administration of controlled substances could have
10 jeopardized the health or life of the patient(s), and confused other health care team members as to
11 the patients' condition and/or medication status.

12 **SECOND CAUSE FOR DISCIPLINE**

13 (Incompetence)

14 32. Respondent is subject to disciplinary action under Code section 2762(e), on the
15 grounds of unprofessional conduct, within the meaning of CCR section 1443, in carrying out
16 licensed nursing functions. The circumstances are as follows:

17 33. On or about September 28, 2008, Respondent falsified, made grossly incorrect,
18 grossly inconsistent, or unintelligible entries in patients' medical records as described in
19 paragraphs 20-24, above.

20 34. On this same date, Respondent entered erratic and illegible handwriting in the
21 medical charts referenced above.

22 35. On this same date, Respondent was inconsistent and confused in her withdrawal of
23 medication involving two different patients receiving the same medication.

24 36. Respondent knew or should have known that creating false, incorrect or inconsistent
25 records pertaining to the withdrawal and administration of controlled substances could have
26 jeopardized the health or life of the patient(s), and confused other health care team members as to
27 the patients' condition and/or medication status.

1 THIRD CAUSE FOR DISCIPLINE

2 (Use of a Controlled Substance in a Manner Dangerous to the Public)

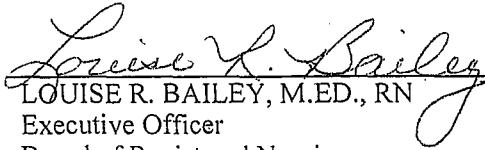
3 37. Respondent is subject to disciplinary action under Code section 2762(b), in that
4 Respondent used a controlled substance in a manner dangerous to the public to the extent that her
5 use impaired her ability to work as a registered nurse when patients' relatives, co-workers and
6 supervisors noticed that Respondent was acting strangely at work, exhibiting slurred speech and
7 appearing sleepy. Respondent made several comments that did not go with each other.
8 Respondent was confused regarding patient medications, and made medication and/or charting
9 errors. Respondent was drug tested onsite, and reported positive for amphetamines and opiates.
10 The circumstances are more specifically set forth in paragraphs 17-26, above.

11 PRAYER

12 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
13 and that following the hearing, the Board of Registered Nursing issue a decision:

- 14 1. Revoking or suspending Registered Nurse License Number 464790, issued to Kathie
15 June Curtis;
16 2. Ordering Kathie June Curtis to pay the Board of Registered Nursing the reasonable
17 costs of the investigation and enforcement of this case, pursuant to Business and Professions
18 Code section 125.3;
19 3. Taking such other and further action as deemed necessary and proper.
20
21

22 DATED: 2/28/11

23 
24 LOUISE R. BAILEY, M.ED., RN
25 Executive Officer
26 Board of Registered Nursing
27 Department of Consumer Affairs
28 State of California
Complainant

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